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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3800**

Merchant & Gould, PC
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of
Larry A. Winter et al.
Application No. 09/421,713
Filed: October 20, 1999
For: METHOD AND SYSTEM FOR FACILITATING,
COORDINATING AND MANAGING A
COMPETITIVE MARKETPLACE

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DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on December 26, 2002 and supplemented on May 18, 2003.

The petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned for failure to timely respond to the Office action dated March 13, 2002, and a notice to that effect was mailed on November 19, 2002.

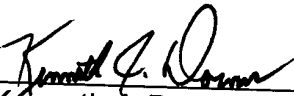
Any petition to withdraw the holding of abandonment based upon a Returned Post Card must include the following requirements:

- (1) A copy of the response and
- (2) A copy of the postcard identifying the response including a USPTO Mail Room receipt date.

The returned postcard included in the petition bears a USPTO Mail Room receipt date of September 23, 2002. This is unacceptable evidence of a timely filed response since the six-month statutory period for response expired on September 13, 2002.

However, the copy of the response included with the petition includes a Certificate of Mailing dated September 13, 2002. A statement by Judith Tess was received on May 18, 2003, which attests to the personal knowledge of mailing the response on the date indicated on the Certificate of Mailing. This is sufficient evidence of a timely response.

Since a timely response to the Office action was filed, the application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the Amendment filed with the petition, and then to the Examiner for prompt action on the merits of the claims.



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KJD/tpl: 5/21/03